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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 15th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 27 March 1996, at 7.15 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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* The summary record of the first part of the meeting appears as document E/CN.4/1996/SR.15.

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HUMAN RIGHTS SITUATION IN BURUNDI (agenda item 10) (continued) (E/CN.4/1996/16 and Add.1 and E/CN.4/1996/L.4)

1. Mr. SOTTAS (World Organization against Torture) said that the mission of inquiry established in February 1994 by independent organizations had found that there had been 31,436 victims of the killings caused by the aborted coup d'état of October 1993. While the authorities in Bujumbura had been able to avoid chaos, they had not been able to stop the killings and ethnic partition. Impunity had reigned in Burundi for three decades and had reinforced ethnic tensions by linking the authors of atrocities with the general community to which they belonged, thereby underlining the ethnic divide. The justice system had lost its reputation of impartiality in the eyes of the majority of the population and those who faced trial were concerned more about finding out the ethnicity of the judges than about their competence. The judges could not alone be held responsible for that state of affairs. One of the judges he had questioned during the mission of inquiry had been assassinated a few days after the interview, apparently because of the testimony he had agreed to give. Under such conditions, the fight against impunity required the establishment of national and international bodies of inquiry free from the tarnish of ethnic and political conflicts. Although the mission had been able to provide the Bujumbura authorities with a report which proved the responsibility of some of the authors of the massacres, the latter had not yet been brought to trial.

2. He welcomed the initiative of the Government of Burundi to create an independent national commission on human rights. However, the fight against impunity could not alone bring peace to Burundi. Only a diplomatic conference, with the participation of African and international Powers, could create the basis for a new constitutional system able to guarantee the democratic exercise of power by a majority, as well as the full respect of the rights of minorities. Such a conference was also the wish of Burundians from different political and ethnic groups. In the field, the supporters of new military factions were becoming stronger and arming themselves, hoping against all logic to impose a solution through force. Any delay by the international community and democratic powers in Burundi in establishing the process of negotiations could aggravate the threat of a new genocide, which was becoming more eminent each day.

3. Mr. VITTORI (Pax Christi International) said that, if the Commission had been more attentive to the appeals by NGOs and to the alarm clearly sounded by the Special Rapporteur on summary executions one year prior to the genocide the United Nations might have been able, if not to prevent the Rwanda tragedy, then at least to contain it. There were many similarities between the situations in that country and in Burundi, including fear of domination leading to a will to dominate. It was crucial to identify the manipulators of that fear, in whose interest it was to oppose the re-establishment of peace and security. They might be political adventurers, the chiefs of armed gangs or the army itself, controlled by the Tutsis, as the Rwandan army had been controlled by the Hutus.

4. Civil peace could be restored in Burundi if the army were unequivocally in the service of democracy. An alternative to a United Nations intervention force, to which there was substantial opposition, would be to make available

to the Burundi Government an international contingent of advisers and observers whose mandate would be to publicize the obligations under the Geneva Conventions, particularly with regard to the protection of civilian persons in time of conflict, and also to accompany intervention units in the field. That might make it possible to limit the suspected massacres referred to by the Special Rapporteur, who had been surprised that there had been no prisoners following military operations. The credibility of the judiciary also had to be re-established, first of all by facilitating the work of the international commission of inquiry on Burundi. The Commission should follow up on the recommendations of the Special Rapporteur. Local organizations also had an important role to play, but it was frequently underestimated and in any event not given enough support. The best initiatives by the United Nations were, moreover, often burdened by the interests of States and would have little positive impact on the population concerned unless they were coordinated with the activities of NGOs.

5. Mr. DIENG (Intenational Commission of Jurists) said that the tragic situation in Burundi was undoubtedly the result of strategies by political actors deliberately playing on collective fears to "mobilize" peoples and impose ethnic identities on all other forms of social cohesion and solidarity. Despite recent Government efforts to promote peace, it was still difficult to channel and mitigate the underlying inter-ethnic tensions in Burundi. The international community must face up to its responsibilities towards a country at the gates of hell if it did not wish to become the passive, guilty spectator of what the Special Rapporteur had called "genocide by attrition".

6. Human rights observers should be deployed, but they would have no real impact unless the question of their security had been settled beforehand. It was not yet necessary to resort to force to bring an end to the massacres, as the Special Rapporteur had suggested, even though, in some desperate situations, that might be the only way to free the victims from the clutches of the conflict. There should be no hesitation in acting with determination when one had right on one's side. The international community should support the recommendations of the Special Rapporteur on Burundi and the Special Rapporteur on summary executions and deploy military peace-keeping teams in addition to human rights observers, for the observers needed protection.

7. Mr. MBUYA (Amnesty International) said that the draft resolution on Burundi (E/CN.4/1996/L.4) did not reflect the gravity of the situation or the urgent need for the Commission to respond decisively to prevent the situation from deteriorating still further. Impunity lay at the heart of Burundi's cycle of violence and the grave human rights situation and the judiciary should be central to the fight against that phenomenon. In Burundi, however, the Tutsi-dominated judiciary was not impartial and did not have the confidence of the majority Hutu. Although people from both communities had been responsible for human rights abuses, the vast majority of the 5,600 people held in connection with the violence were Hutu. Tutsi and Hutu armed groups continued to perpetrate politically motivated killings and some killings by Tutsi armed groups were condoned by or carried out jointly with Government forces. People arrested by those forces had "disappeared" while in custody and some of them had subsequently been confirmed dead. Detainees had been denied the opportunity to challenge the basis for their arrest and detention and many of those arrested and detained had been subjected to

systematic torture and ill-treatment, often while in the custody of the security forces, such as the Brigade spéciale de recherche (Special Investigation Brigade), a branch of the national gendarmerie, in Bujumbura. In recent months, there had also been an increase in arbitrary killings of detainees by members of the security forces. As far as Amnesty International was aware, the Burundi authorities had taken no action against those responsible.

8. He welcomed the setting up of the commission of inquiry, but remained seriously concerned that it was unable to fill its mandate adequately because it did not have the necessary resources or political support and protection. His organization had campaigned for the deployment of human rights monitors. There were serious security risks throughout the country, including in Bujumbura. Nevertheless, the five human rights monitors funded by the European Union could begin to do important work if they could collect first-hand testimony of human rights violations and raise cases with the authorities and if public reports about their work were regularly produced. Five monitors were, however, clearly not enough. As soon as the security situation allowed, more monitors should be deployed throughout the country. Given the security situation, the United Nations High Commissioner for Human Rights should keep under constant review whether the monitors were able to work effectively. An in-depth assessment of the conditions, mandate and potential for deployment for further monitors should precede any expansion of the operation.

Draft resolution on the human rights situation in Burundi (E/CN.4/1996/L.4)

9. Mr. MBA ALLO (Gabon), introducing the draft resolution on behalf of the Group of African States and other sponsors, said that, in the penultimate preambular paragraph, the word "society" should be replaced by the words "reconciliation process" so that the paragraph would read:

"Recognizing the important role of women in the reconciliation process and urging the Government to improve their living conditions".

10. Mr. MÖLLER (Secretary of the Commission) announced that the following delegations had also become co-sponsors of the draft resolution: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Peru, Portugal, Spain, Sweden, Switzerland, United Kingdom and United States of America.

11. The CHAIRMAN said he took it that the Commission wished to adopt the draft resolution, as amended, without a vote.

12. It was so decided.

13. Mr. MÖLLER (Secretary of the Commission), replying to a question by the United States, and referring to the programme budget implications of the resolution, said that, with regard to the requirements in paragraphs 22 and 23, it was expected that the costs of the human rights field office in Burundi would be met from extrabudgetary resources. A new voluntary fund had recently been established to accommodate contributions for that purpose.

Similarly, it was expected that the requirements under paragraph 24, relating to a comprehensive programme of technical cooperation in the field of human rights, would be financed from the voluntary fund for technical cooperation in the field of human rights. The requirements for paragraph 25 relating to the extension of the mandate of the Special Rapporteur by one year would be met from existing resources from section 21, on human rights, of the 1996-1997 programme budget. Accordingly, no additional resources were required under section 21 of the programme budget.

The meeting rose at 7.55 p.m.